

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

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OPINION 543

Rejection for nomenclatorial purposes of the German translation by Martini (F.H.W.) published in 1767 under the title *Kurze Abhandlung von den Conchylien* of the work by Geoffroy (E.L.) published in the same year under the title *Traité Sommaire des Coquilles* (*Opinion* supplementary to *Opinion* 362)

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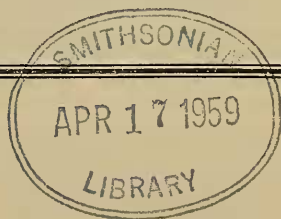
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 543

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Secretary : Mr. Francis HEMMING (*London, England*) (27th July 1948)

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(Arranged in order of precedence by reference to date of election or of most recent re-election,
as prescribed by the International Congress of Zoology)

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Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1953)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum V Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 543

REJECTION FOR NOMENCLATORIAL PURPOSES OF THE GERMAN
TRANSLATION BY MARTINI (F.H.W.) PUBLISHED IN 1767
UNDER THE TITLE "KURZE ABHANDLUNG VON DEN
CONCHYLIEN" OF THE WORK BY GEOFFROY (E.L.)
PUBLISHED IN THE SAME YEAR UNDER THE
TITLE "TRAITÉ SOMMAIRE DES COQUILLES"
("OPINION" SUPPLEMENTARY TO
"OPINION" 362)

RULING :—(1) It is hereby ruled that in the German translation entitled *Kurze Abhandlung von den Conchylien* of Geoffroy (E.L.), 1767, *Traité Sommaire des Coquilles* published at Nürnberg in the same year Martini (F.H.W.), the translator, did not apply the principles of binominal nomenclature and therefore that the above work in Martini's translation is not available for the purposes of zoological nomenclature.

(2) The title of Martini's German translation of Geoffroy's *Traité Sommaire* as rejected under (1) above is hereby placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* with the Title Number 61.

(3) The under-mentioned reputed generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Number 1238 :—

Vivipara Martini, 1767 (a cheironym incorrectly reputed to have been published in the work rejected for nomenclatorial purposes in (1) above).

I. THE STATEMENT OF THE CASE

The present case was placed before the International Commission by Mr. Francis Hemming as Secretary to the Commission on 14th December 1956. The proposal submitted had a twofold object, namely to obtain from the Commission a Ruling as to the status (a) of Martini's German translation of Geoffroy's French-language work published in 1767 under the title *Traité Sommaire des Coquilles* (which had already been rejected for nomenclatorial purposes by the Commission by the Ruling given in its *Opinion* 362) and (b), consequentially, of the reputed generic name *Vivipara* Martini, 1767. This latter was a point which had come to notice in connection with applications (Z.N.(S.)857) submitted to the Commission by Mr. A. E. Ellis (*Epsom, England*) and Dr. Lothar Forcart (*Basel, Switzerland*) in regard to the generic name

Viviparus Montfort, 1810, and which required to be settled in anticipation of a decision being taken on the main issues involved in the *Viviparus* case.¹ The application submitted by Mr. Hemming in the present case was as follows:—

Proposed addition to the “Official Index of Rejected and Invalid Works in Zoological Nomenclature” of the title of the German translation by Martini (F.H.W.) published in 1767 under the title “Kurze Abhandlung von den Conchylien” of the work by Geoffroy (E.L.) published in the same year under the title “Traité Sommaire des Coquilles”

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The purpose of the present application is to submit to the International Commission on Zoological Nomenclature particulars regarding an old and evidently non-binominal work and to recommend the addition of the title of that work to the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*, this being desirable both as part of the general policy enjoined upon the International Commission by the Fourteenth International Congress of Zoology, Copenhagen, 1953, of building up the foregoing *Official Index* as and when opportunity offers and partly because (as is explained in paragraph 6 below) at least one suggestion was made many years ago that a generic name in current use should be displaced on the ground that it was a junior synonym of a name published in the work in question.

2. The work concerned is a German translation by Martini (F.H.W.) of the work by Geoffroy (E.L.) published in Paris in 1767 under the title *Traité Sommaire des Coquilles, tant fluviatiles que terrestres, qui se trouvent aux Environs de Paris*. This work, it will be recalled, has been rejected for nomenclatorial purposes and its title placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* by the Ruling given by the International Commission in *Opinion* 362 (1955, *Ops. Decls. int. Comm. zool. Nomencl.* 11 : 173–183). The status of Martini’s German translation was not dealt with in the foregoing *Opinion* and it is for this reason that it is now necessary to submit this matter to the International Commission.

3. Martini’s translation was published at Nürnberg in 1767 (i.e. in the same year as that in which Geoffroy’s original French edition was published in Paris). This translation bears on the title page the following title and sub-title :—

(a) *Title* :

Des Herrn Geoffroy D. und Prof. der Arzney [sic] Wissenschaft in Paris Kurze Abhandlung von den Conchylien welche um Paris sowohl auf dem Lande, als in süßen Wassern gefunden werden

(b) *Subtitle* :

Aus dem Französischen übersetzt und mit einigen erläuternden Zusätzen vermehrt durch Fried. Heinr. Wilh. Martini

4. The collation of Martini’s translation is as follows :—

Pp. 14 [unnumbered] + vi + 133 + 20 [unnumbered], 1 folding table.

¹No decision has as yet been taken by the Commission on the *Viviparus* case. The applications by Ellis and Forcart referred to above, together with associated documents by other authors, were published on 29th March 1957 (*Bull. zool. Nomencl.* 13 : 38–72).

5. The original French text of Geoffroy's *Traité Sommaire* was rejected by the Commission on the ground that in it Geoffroy did not apply the principles of binominal nomenclature. Now that, thanks to the courtesy of the Trustees of the British Museum (Natural History), it has been possible to examine Martini's translation, the *Kurze Abhandlung von den Conchylien*, it is immediately apparent that the nomenclature employed is also non-binominal, being a mixture of vernacular (French) names, accidentally binominal Latin names and frankly polyverbal Latin names of the pre-1758 type. The following are examples of individual names employed in this book :—

Page No.	Name employed
36	<i>Cochlea hortensis</i> Le Jardinier
37	<i>Cochlea Livrée</i> La nemoralis
39	<i>Cochlea nemoralis arborescens</i> La Chartreuse
40	<i>Cochlea striata major</i> Le grand striée
45	<i>Serpentulus</i> La lampe Le Planorbe terrestre
47	<i>Cochlea hispida</i> La Veloutée
48	<i>Cochlea hispida, apertura triangulari</i> La Veloutée à bouche triangulaire
53	<i>Cochlea s. Turbo, granum avenaceum referens</i> La Gain s'Avoine
54	<i>Cochlea s. Turbo nitidus</i> La Brillante
55	<i>Turbo dentatus labro reflexo</i> L'Anti-Nonpareille
82	<i>Cornu Ammonis spurium, marginatum spiris quatuor</i>
84	<i>Cornu Ammonis spurium, marginatum 6 oribus absolutum</i>
97	<i>Cochlea vivipara fasciata</i> La Vivipare à bandes

6. At this point it should be explained that the reason why it has been found necessary at this time to examine the status of the foregoing work is that in connection with the preparation for the publication of Mr. A. E. Ellis' revised application relating to the generic name *Viviparus* Montfort, 1810², attention was drawn to a statement by Dall that a generic name *Vivipara* had been published by Martini in the above work. It was clearly necessary that this matter should be investigated immediately for, if there had in fact been such a name and it had been validly published at the date suggested for the genus later called *Viviparus* by Montfort, it would have had many years' priority over Montfort's name. It will be seen, however, from the last of the extracts quoted above that the word "vivipara" was employed by Martini not as a generic name but as the first part of a two-word specific name for a species placed by that author in the genus *Cochlea*. Probably the idea that Martini published a generic name consisting of the word *Vivipara* owes its origin to the fact that in the index to the *Kurze Abhandlung* (on an unnumbered page which if it had been numbered consecutively with the text would have been page 148) the name *Cochlea vivipara fasciata* used by Martini appeared in the abbreviated form "*Vivipara fasciata*".

² See footnote 1.

7. Dr. L. R. Cox (*British Museum (Natural History)*), with whom I have discussed this case, has also examined Martini's *Kurze Abhandlung* and has reported (*in litt.*, 4th December 1956) that in his opinion: "This German translation should certainly be placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* as not being binominal".

8. In the light of the considerations set out in the preceding paragraphs I recommend the International Commission on Zoological Nomenclature:—

- (1) to give a Ruling that in the German translation entitled *Kurze Abhandlung von den Conchylien* of Geoffroy (E.L.), 1767, *Traité Sommaire des Coquilles* published at Nürnberg in the same year Martini (F.H.W.), the translator, did not apply the principles of binominal nomenclature and therefore that the above work in Martini's translation is not available for the purposes of zoological nomenclature;
- (2) to place the title of the translation specified in (1) above on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*;
- (3) to place the under-mentioned reputed generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology*: *Vivipara* Martini, 1767 (a cheironyn reputed to have been published in the work recommended in (1) above for rejection as a work in which the author did not apply the principles of binominal nomenclature).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application: Upon the receipt of Mr. Hemming's application the question of the status to be accorded to Martini's German translation of Geoffroy's *Traité Sommaire* was allotted the Registered Number Z.N.(S.)1186.

3. Support received from L. R. Cox prior to the publication of the present application: Prior to the publication of the present application Dr. L. R. Cox (*British Museum (Natural History), London*) in a letter dated 4th December 1956 (see paragraph 7 of Mr. Hemming's application) intimated his agreement with the action recommended and expressed the view that the title of Martini's translation of Geoffroy's *Traité Sommaire* ought to be placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*.

4. Publication of the present application: The present application was sent to the printer on 20th December 1956 and was published on 29th March 1957 in Double-Part 2/3 of Volume 13 of the *Bulletin of Zoological Nomenclature* (Hemming, 1957, *Bull. zool. Nomencl.* 13 : 35–37).

5. No objection Received: The publication of the present application elicited no objection to the action proposed from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P. (57) 51: On 11th October 1957 a Voting Paper (V.P. (57) 51) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the German

translation by Martini (F.H.W.), 1767, of the work by Geoffroy (E.L.) entitled *Traité Sommaire des Coquilles* as set out in Points (1) to (3) in paragraph 8 on page 37 of Volume 13 of the *Bulletin of Zoological Nomenclature*” [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 11th January 1958.

8. Particulars of the Voting on Voting Paper V.P. (57) 51 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P. (57) 51 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Vokes ; Bonnet ; Mayr ; Bradley (J.C.) ; do Amaral ; Lemche ; Hering ; Riley ; Dymond ; Esaki ; Bodenheimer ; Boschma ; Hemming ; Prantl ; Mertens ; Hankó ; Jaczewski ; Miller, Stoll ; Kühnelt ; Cabrera ; Sylvester-Bradley ; Key ; Tortonese ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

9. Declaration of Result of Vote : On 12th January 1958, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P. (57) 51, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. Preparation of the Ruling given in the present “Opinion” : On 8th May 1958 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P. (57) 51.

11. Compliance with Prescribed Procedures : The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

12. "Opinion" Number : The present *Opinion* shall be known as *Opinion* Five Hundred and Forty-Three (543) of the International Commission on Zoological Nomenclature.

DONE in London, this Eighth day of May, Nineteen Hundred and Fifty-Eight.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING